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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,208	12/04/2003	Mark E. Pingel	281_425NP	7999

20874 7590 08/23/2005  
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EXAMINER

AGUEL, FERNANDO

ART UNIT PAPER NUMBER

3762

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,208	<b>Applicant(s)</b> PINGEL ET AL.	
	<b>Examiner</b> Fernando Aguel	<b>Art Unit</b> 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "shroud assembly of receiving connections...configured to interconnect a conventional table to a computer printer therewith" of claims 17 - 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. **The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.**

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because there is no antecedent basis for "removable portion of the assembly". It is unclear to the reader what "assembly" the inventor is referring to since none has been introduced in the abstract.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: the headings in the specifications should not be underlined or in **bold** faced lettering.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claims 17 – 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The shroud assembly in the specification was shown to interconnect with a printer or base unit with connection ports but was never shown to interconnect to a conventional table nor shown how such an interconnection would be made.

8. Claims 4 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 4 states that the data acquisition module is housed within the printer; however, applicant does not disclose that the data acquisition module is housed in the printer. Applicant does disclose that data acquisition module is in the same housing as the printer and as such, the examiner interprets "data acquisition module is housed in the printer" as the data acquisition module and the printer are located in the same housing.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 - 3, 6, 7, 11 – 13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Surwillo et al (6915155). Surwillo et al disclose an ECG monitoring system comprising an electrode/lead assembly attachable to a patient (Figure 2, element 14), an analog to digital data acquisition system (Column 3, lines 52-54) attached to the electrode/lead assembly (Figure 2, element 18) and a printer (column 4, lines 49 – 52) directly connected to said acquisition system (column 6, lines 5-8) where the ECG monitoring system is mounted on a cart (Figure 1, element 22). The ECG monitoring system having a display (Figure 1, element 28) and a user interface (Figure 1, elements 24, 26) for controlling the function of the printer of the ECG monitoring system. The data acquisition module connected to the electrode/lead assembly and connected to the printer intrinsically having a housing since the definition of a module is a "self contained assembly of electric components". The data acquisition module is connected to the system using a cable with a connector with 10 – 12 pins and a locking mechanism (column 3, lines 43 – 49) which can be unlocked and the cable removed.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surwillo et al (6915155) in view of Lee (5752049). Surwillo et al disclose the invention substantially as claimed including an electrode/lead assembly connected to the data acquisition module but does not disclose an ink-jet printer where the printer and data acquisition module are housed together. Lee teaches a computer and an ink-jet printer (Column 10, lines 28 – 32) housed in the same casing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Surwillo et al by housing an ink-jet printer in the same housing as the

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data acquisition module and all the components of the system as taught by Lee in order to make the system more easily portable by only having to move a single unit rather than having to move every unit individually.

14. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surwillo et al (6915155) in view of Ellman et al (5518310). Surwillo et al disclose the invention substantially as claimed but does not disclose a storage area on the cart comprising a drawer or a shelf. Ellman et al teach a mobile cart for electrical medical equipment including a drawer and a shelf. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Surwillo et al by including a storage area on the cart such as a drawer or shelf as taught by Ellman et al in order to retain loose items for storage.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Surwillo et al (6915155) in view of Stomberg et al (6665565). Surwillo et al disclose the invention substantially as claimed but does not disclose a wireless connection between the printer and the data acquisition module. Stomberg teaches a telemetry module for transmitting data from a data source to a data processing module. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Surwillo et al by making the data transfer to and from the data acquisition module and the printer a wireless telemetry device as taught by Stomberg et al in order to have the data acquisition module in a different location than the printer housing to not have the patient tethered to the printer during treatment.



**Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Yonce (6760614)
- b. Feng (5649544)
- c. Paret (5123420)


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fernando Aguel whose telephone number is 571-272-8687. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FA

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8/22/05

  
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